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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/703,419	11/01/2000	Eric Cohen	US000287	1395

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P.O. BOX 3001
BRIARCLIFF MANOR, NY 10510

EXAMINER	
JERABEK, KELLY L	
ART UNIT	PAPER NUMBER
2612	

DATE MAILED: 03/12/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/703,419	Applicant(s) COHEN ET AL.	
	Examiner Kelly L. Jerabek	Art Unit 2612	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☐ Responsive to communication(s) filed on _____.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) 1-15 is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) 1-15 is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on 01 November 2000 is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date 2 and 3.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-2, 4-7, 10, and 12-15 rejected under 35 U.S.C. 102(e) as being anticipated by Leppisaari et al. US 2002/0101517.

Re claim 1, Leppisaari discloses a terminal (10) with pattern recognition means (61) that searches for a figure (18) in the image field (17) recorded by a camera (11). When the area in the image field (17) associated with the user (5) is located, the terminal (10) adjusts the focusing of the camera (11) on the face of the user (5) (page 2, paragraph 18). In figure 4, Leppisaari discloses a terminal (40) including a thermograph (43). A temperature detection logic implemented in the terminal (40) searches for the warmest section in the image field of the thermograph which corresponds to the face of the user. When the area searched for has been located, the video camera (41) is focused on the area around the face at the required tolerance (page 3, paragraph 22). The thermograph can also be used in connection with the embodiments presented in

figs. 1A, 1B, 2, and 3. Thus, the terminal (40) including a thermograph (43) as shown in figure 4 is capable of detecting relative movement between the terminal (40) and the object of interest and adjusting the camera settings accordingly.

Re claim 2, figure 1A shows a camera (11) installed in a hand-held portable mobile station (10) (page 2, paragraph 17).

Re claim 4, a user (5) may physically adjust the camera (11) with the terminal (30) as shown in figure 3 (page 3, paragraph 20).

Re claims 5 and 6, in figure 2 a terminal (25) electrically focuses the camera (26) in both the vertical and the horizontal positions in accordance with the pattern recognition block (61) (pages 2 and 3, paragraph 19).

Re claim 7, the terminal (30) of figure 3 may be a portable image phone (page 3, paragraph 20).

Re claims 10, 12, and 13, the camera setting is adjusted based on a pattern recognition means (61) that searches for a figure (18) in the image field (17) recorded by a camera (11). When the area in the image field (17) associated with the user (5) is located, the terminal (10) adjusts the focusing of the camera (11) on the face of the user (5) (page 2, paragraph 18). The pattern recognition means (61) serves as an

orientation determination device. In addition, since the pattern recognition means (61) searches for a figure (18) in the image field (17) recorded by a camera (11) an image processing operation is performed in order to record an image from a camera. The camera setting is then adjusted on the basis of the pattern recognition (pages 2 and 3, paragraph 19). Therefore, the camera setting is adjusted based on an output of an orientation determination device, an image processing operation, and a hybrid combination of both of them.

Re claim 14, see claim 1.

Re claim 15, see claim 1. The terminal (50) is based on computer hardware, thus it has a storage medium and a processor (page 3, paragraph 23).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claim 9 rejected under 35 U.S.C. 103(a) as being unpatentable over Leppisaari et al.

Re claim 9, the terminal (50) of figure 5 is a computer including a monitor (51) and a camera (52). The computer includes all of the methods according to figures 1A, 1B, 2, 3, and 4 (page 3, paragraph 23). Therefore, since figure 1A shows a hand-held terminal (10) it would have been obvious to use a hand-held computer such as a laptop as the terminal (50) of figure 5.

Claim 3 rejected under 35 U.S.C. 103(a) as being unpatentable over Leppisaari et al. as applied to claim 1 above and further in view of Yuyama et al. US 5,612,732.

Re claim 3, Leppisaari teaches all of the limitations of claim 1, but does not state that the camera is part of a module insertable into the hand-held device.

Yuyama discloses in figures 7 and 8 a portable television receiver with a removable camera. The portable television receiver is a hand-held unit and the camera may be inserted into it or removed (col. 11, lines 8-60). Hand-held processing devices including removable camera units are well known and used in the art as disclosed by Yuyama. Removable camera units allow the user to attach the camera to the processing device only when the camera is needed. This capability makes the hand-held unit more compact and light-weight when the camera is not attached. Therefore, it would have been obvious to include the removable camera unit as taught in Yuyama in the hand-held terminal disclosed by Leppisaari. Doing so would provide a means for

inserting the camera into the hand-held terminal when the camera is needed to track an object and removing the camera when it is not needed.

Claim 8 rejected under 35 U.S.C. 103(a) as being unpatentable over Leppisaari et al. as applied to claim 1 above and further in view of Yerazunis et al. US 6,600,657.

Re claim 8, Leppisaari teaches all of the limitations of claim 1. Although Leppisaari states that the hand-held device may be a mobile telephone or a computer, he does not specifically state that the hand-held device is a personal digital assistant further referred to as a PDA.

Yerazunis discloses in figure 8 a PDA including a digital camera. PDA's including digital cameras are well known and used in the art as disclosed by Yerazunis. PDA's have the capability of storing and manipulating a wide variety of information such as still images taken by a camera or video objects (col. 4, lines 15-25). Therefore, it would have been obvious to include the PDA as taught in Yerazunis and use it as the hand-held terminal disclosed by Leppisaari. Doing so would provide a means for detecting movement between the PDA and an object of interest and adjusting the camera within the PDA in order to maintain a desired framing of the object of interest.

Claim 11 rejected under 35 U.S.C. 103(a) as being unpatentable over Leppisaari et al. as applied to claims 1 and 10 above and further in view of Van Den Herik US 6,253,032.

Re claim 11, Leppisaari discloses all the limitations of claims 1 and 10. Leppisaari states that small electric motors and control means are integrated into the hand-held device in order to center the user in the image field (20) (pages 2 and 3, paragraph 19). The terminal (25) adjusts the camera (26) in the required direction so that the user (5) settles in the center of the image field (20) through the use of electric motors. Although Leppisaari discloses the above information, he does not indicate that gyroscopes are used in the orientation determination device.

Van Den Herik discloses in figure 1 a studio camera (SC) including a position adjustment mechanism (PAM) used to automatically direct a viewfinder display (D) to a camera operator (CO) (col. 1, lines 50-55). The position adjustment mechanism (PAM) adjusts the viewfinder to ensure that the viewfinder (VF) is always directed to a camera operator's face (col. 1, lines 63-67). The position adjustment mechanism may be adjusted using a tilt motor (M) (col. 1, line 55) or a gyroscope (col. 2, lines 9-17). Although the position adjustment mechanism (PAM) is used to adjust a viewfinder display according to Van Den Herik it would have been obvious to use it in the terminal (25) disclosed by Leppisaari to adjust the camera (26) in order to center the user (5). Therefore, it would have been obvious to include the position adjustment mechanism (PAM) including gyroscopes in the terminal (25) disclosed by Leppisaari. Doing so

would provide a means for adjusting the camera (26) in the required direction so that the user (5) settles in the center of the image field (20) through the use of gyroscopes.

Contacts

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Examiner Kelly Jerabek whose telephone number is (703) 305-8659. The examiner can normally be reached on Monday - Friday (8:00 AM - 5:00 PM).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wendy Garber can be reached at (703) 305-4929.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-4700.

The fax number for submitting all Official communications is (703) 872-9306.

The fax number for submitting informal communications such as drafts, proposed amendments, etc., may be faxed directly to the Examiner at (703) 746-3059.

KLJ

VU LE
PRIMARY EXAMINER